

**UTAH AIR QUALITY BOARD MEETING**  
**February 7, 2007**

**DRAFT MINUTES**

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**I. Call to Order**

John Veranth called the meeting to order at 1:34 PM

Board members present:

Jim Horrocks, Wayne Samuelson, Joann Seghini, Don Sorensen, Ernest Wessman, Jerry Grover, Stead Burwell and John Veranth.

Executive Secretary: Richard W. Sprott

Board members excused:

Nan Bunker, Dianne R. Nielson, and Scott Lawson

**II. Date of the Next Air Quality Board Meeting**

March 14, 2007 will be set as a tentative date for the next Board meeting.

**III. Approval of the Minutes for January 3, 2007 Board Meeting**

Minor change was noted.

- Ernest Wessman made the motion to approve January 3, 2007 minutes. Don Sorenson seconded and the Board approved unanimously.

**IV. Discussion and Possible Election of Board Chair and Vice Chair.**

Following some discussion members agreed that they will wait for new board members to elect Chair and Vice Chair

**V. Propose for Public Comment: State Implementation Plan, Transportation Conformity Consultation, to Replace Section XII, Involvement, of the Utah State Implementation Plan (SIP), and Amend R307-110-20 to Reflect This Change. Presented by: Rick McKeague.**

Mr. McKeague said the transportation conformity process was first adopted in the 1990 Clean Air Act Amendments as a tool for regions and states to use to

facilitate the coordination of air quality and transportation planning. Under 42 U.S.C. 7506 and 40 CFR Part 51.390, states are required to develop, as part of the State Implementation Plan (SIP), documentation of the transportation conformity consultation process. The attached Section XII, *Transportation Conformity Consultation*, of the SIP meets the most current version of these federal requirements.

Section XII outlines the procedures to be followed to address transportation related issues during SIP development. It also outlines the procedures to be followed in the development of conformity determinations on transportation plans, programs, and projects. This section has been developed by the Division of Air Quality working with staff from the Environmental Protection Agency (EPA), the U.S. Department of Transportation, the Utah Department of Transportation, metropolitan planning organizations, and local transit agencies who are all involved in these procedures.

There are two key elements to the transportation conformity consultation process. The first is involvement of the transportation planning agencies in the development of a SIP for various criteria pollutants and the development of the mobile source emissions budget established in that SIP. The second is the conformity demonstration that ensures the transportation control measures specified in a SIP are implemented in a timely fashion. If any agency cannot demonstrate conformity with the SIP, then the affected agencies need to work together to change the Regional Transportation Plan, Transportation Improvement Program, or the SIP.

The purpose of the proposed revisions to Section XII of the SIP is to formalize the current consultation process and to ensure early coordination and negotiation among all parties affected by transportation conformity, and R307-110-20 incorporates the plan into the state rules.

The staff recommends that Section XII of the SIP, Transportation Conformity Consultation, and R307-110-20 be proposed for public comment.

- Joann Seghini made the motion to approve State Implementation Plan, Transportation Conformity Consultation, to Replace Section XII, Involvement, of the Utah State Implementation Plan (SIP), and Amend R307-110-20 to Reflect This Change. Wayne Samuelson seconded and the Board approved unanimously.

**VI. Final Adoption: Amend R307-120, General Requirements: Tax Exemption for Air and Water Pollution Control Equipment. Presented by: Tim Blanchard.**

Mr. Blanchard stated On December 6, 2006, the Air Quality Board proposed for comment amendments to R307-120, General Requirements: Tax Exemption for

Air and Water Pollution Control Equipment. The proposed amendment removes references to water pollution control equipment and the Water Quality Board because the Water Quality Board has proposed its own rule to address these issues. Staff from both Water Quality and Air Quality are working together to ensure that their new rule and our changes become effective on the same date.

No oral or written comments were received about this proposal.

The staff recommends that the Board adopt R307-120 as proposed.

- Ernest Wessman made the motion to Amend R307-120, General Requirements: Tax Exemption for Air and Water Pollution Control Equipment. Joann Seghini seconded and the Board approved unanimously.

**VII. Final Adoption: Amend R307-214-2, National Emissions Standards for Hazardous Air Pollutants. Presented by: Eileen Brennan.**

Ms. Brennan confirmed on November 1, 2006, the Air Quality Board proposed for comment amendments to R307-214-2, National Emissions Standards for Hazardous Air Pollutants. R307-214-2 was proposed for comment to incorporate by reference any updates to 40 CFR Part 63 since the last amendment of this rule.

No comments were received on this proposal during the 30-day public comment period.

The staff recommends that the Board adopt R307-214-2 as proposed at the November 2006 Board meeting.

- Don Sorenson made the motion to approve Amend R307-214-2, National Emissions Standards for Hazardous Air Pollutants. Jim Horrocks seconded and the Board approved unanimously.

**VIII. Final Adoption: New State Implementation Plan Section XXII, Interstate Transport, and R307-110-36. Presented by: Dave McNeill.**

Mr. McNeill stated on November 1, 2006, the Air Quality Board proposed for comment a new section R307-110-36 that incorporates by reference a new Section XXII, Interstate Transport, of the State Implementation Plan (SIP). When a new National Ambient Air Quality Standard (NAAQS) is promulgated, the Clean Air Act requires states to submit a State Implementation Plan (SIP) under section 110(a)(2)(D)(i) to address interstate transport of emissions that would affect nonattainment and maintenance areas in neighboring states. We are required to submit this SIP because new NAAQS for PM<sub>2.5</sub> and 8-hour ozone were promulgated in 1997. This proposal meets the requirements of section 110(a)(2)(D)(i) of the Clean Air Act.

No oral or written comments were received about this proposal.

The staff recommends that the Board adopt R307-110-36 and SIP Section XXII, Interstate Transport, as proposed at the November 2006 Board meeting.

- Ernest Wessman made the motion to approve New State Implementation Plan Section XXII, Interstate Transport, and R307-110-36. Joann Seghini seconded and the Board approved unanimously.

**IX. Five-Year Reviews: R307-120, R307-130, R307-135, and R307-301.  
Presented by: Mat Carlile**

Mr. Carlile said all state agencies are required by the Utah Administrative Rulemaking Act (Title 63, Chapter 46a) to review each of their rules at least every fifth year. To continue the rule, the agency must address the requirements in 63-46a-9(3)(a) as listed on the attached forms.

The five-year reviews for the following rules are due in either March or April of 2007. Also attached for your review are draft forms to be filed with the Division of Administrative Rules.

**Rules**

- **R307-120. General Requirements: Tax Exemption for Air Pollution Control Equipment**
- **R307-130. General Penalty Policy**
- **R307-135. Enforcement Response Policy for Asbestos Hazard Emergency Response Act**
- **R307-301. Utah and Weber Counties: Oxygenated Gasoline Program as a Contingency Measure.**

The staff recommends that the Board approve the attached to be filed with the Division of Administrative Rules.

- Ernest Wessman made the motion to approve Five-Year Reviews: R307-120, R307-130, R307-135, and R307-301. Joann Seghini seconded and the Board approved unanimously.

**X. PacifiCorp's Renewed Intervention Request for Sevier Power Permit Appeal.  
Presented by Fred Nelson.**

Mr. Wessman recused himself due to his business relationship with some of the parties involved. Mr. Nelson stated that at the last Board meeting time frames and

cutoff dates were set for the hearings. There is a request for PacifiCorp to intervene in the Sevier Power matter. Initially the Sierra Club objected to that but in the packet they now have an agreement that has been reached between the Sierra Club and PacifiCorp as to their intervention in the matter and the conditions with respect to that. Mr Veranth stated that has not been opposed by the Executive Secretary or the Sierra Club.

- Jim Horrocks made the motion to approve PacifiCorp's renewed intervention request for Sevier Power permit appeal with the stipulation submitted to the Board that was dated January 25, 2007. Don Sorensen seconded and the Board approved unanimously.

**XI. Final Adoption of a Discovery Schedule for Sevier Power IPP Requests for Agency Action. Presented by Fred Nelson.**

Mr. Nelson stated that the parties have met regarding the IPP and Sevier Power matter and they have agreed upon a schedule for certain actions within the parameters that the board set in the last meeting. The schedules were in the packets to be approved by the Board. Brian Burnett, representing Sevier Power, Dave Becker, representing the Sierra Club, Blaine Rawson for IPP and Christian Stephens for the Executive Secretary all agree to the schedules in the packets.

- Mr. Horrocks made the motion to accept the discovery schedules for the Sevier Power and IPP matter. Mr. Grover seconded and the Board approved unanimously.

**XII. Informational Items**

- A. Compliance. Presented by Bryce Bird.**
- B. HAPS. Presented by Robert Ford.**
- C. Monitoring. Presented by Neal Olson.**

Neal Olson updated the Board in the latest air monitoring data.

**Meeting adjourned at 2:19 PM.**